

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

13-3589448

In Re:

Return Date: 12/14/10  
Time: 10:00 A.M.

**KRISHAN SINGH,**

**Chapter 7**

**Case No. 09-44186 (JF)**

Debtor.

-----X  
ROBERT L. GELTZER, as Trustee  
of the Estate of **KRISHAN SINGH**,

Plaintiff,

**Adv. Pro. No. 10-1145 (JF)**

-against-

**KRISHAN SINGH,**

Defendant.

-----X  
**MOTION FOR DEFAULT JUDGMENT**

The motion of Robert L. Geltzer (the "Trustee") as Chapter 7 Trustee of Krishan Singh (the "Debtor"), by his attorneys, Law Offices of Robert L. Geltzer, respectfully states as follows:

**Introduction**

1. On or about May 21, 2009 (the "Filing Date"), a petition for relief was filed by the Debtor under Chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code").
2. Thereafter, on or about May 21, 2009 the Trustee was appointed by the United States Trustee as the interim Trustee of the Debtor and has subsequently duly qualified and is now serving as Trustee of the Debtor.
3. By summons (the "Summons") dated June 21, 2010, and Complaint (the "Complaint") dated June 18, 2010, the Trustee commenced the above-captioned adversary proceeding against Krishan Singh ("Defendant") pursuant to § 727 of the Bankruptcy Code to revoke and deny a Discharge to the Defendant inasmuch as the Debtor failed to comply with

this Court's Bankruptcy Rule 2004 Order, dated October 19, 2009 (the "2004 Order"). Copies of the Summons and Complaint are annexed hereto as Exhibit "A."

4. The Summons established August 5, 2010 at 10:00 a.m. as the date and time for a pre-trial hearing (the "Pre-Trial Hearing") in this proceeding, which was adjourned to September 21, 2010 and further adjourned to November 2, 2010.

5. The Summons and Complaint were duly served upon Defendant at his last known address and upon his attorney, and thereafter the Defendant's time to answer was extended to September 3, 2010. A copy of the affidavit of service is annexed hereto as Exhibit "B."

6. Defendant's time to move or answer in response to the Complaint expired on September 3, 2010. As of this date, Defendant has not filed or served an answer to the Complaint.

7. At the pretrial held on September 21, 2010, the Court noted the Defendant's default.

8. Annexed hereto as Exhibit "C" is Trustee Affirmation in support of the instant motion.

**Relief Requested**

9. Under Federal Rule of Civil Procedure 55, as made applicable to adversary proceedings under the Bankruptcy Code by Federal Rule of Bankruptcy procedure 7055, a default judgment may be entered against the party against whom relief is sought if such party fails to plead or otherwise defend itself.

10. Because Defendant: (i) did not move or answer in response to the Complaint, despite having been duly served with the Summons and Complaint; and (ii) failed to appear at the Pre-Trial Hearing, the Trustee submits that he is entitled to a default judgment against Defendant to deny a the Discharge to the Defendant.

**WHEREFORE**, the Trustee requests that this Court enter judgment in his favor against Defendant denying a discharge to Debtor pursuant to 727(d)(3) for the Debtor's failure to obey a lawful order of the Court.

Dated: New York, New York  
November 16, 2010

Law Offices of  
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By: /s/ Robert L. Geltzer  
Robert L. Geltzer (RG 4656)